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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

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10 LOREN A. DEAN,

11 Plaintiff,

12 v.

13 INTERNAL REVENUE SERVICE,

14 Defendant.

15 Case No. C05-5352FDB

16 ORDER GRANTING MOTION FOR
17 RECONSIDERATION, VACATING
18 DISMISSAL AND JUDGMENT AND
19 REINSTATING CAUSE OF ACTION

20 This cause of action was dismissed for lack of jurisdiction because Plaintiff's prior
21 administrative claim with the IRS was untimely filed. Counsel for the United States has now learned
22 that Plaintiff's refund suit allegedly concerns a net operating loss from year 1998 and that it,
23 therefore, appears that Plaintiff timely brought this action before this Court. Accordingly, Defendant
24 has no objection to the Court's granting Plaintiff's Motion for Reconsideration.

25 NOW, THEREFORE, IT IS ORDERED: Plaintiff's Motion for Reconsideration [Dkt. # 16]
26 is GRANTED and the Order of Dismissal [Dkt. # 14] and Judgment [Dkt. # 15] are VACATED and
27 this cause of action is reinstated.

28 DATED this 17th day of February, 2006.

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35 FRANKLIN D. BURGESS
36 UNITED STATES DISTRICT JUDGE

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38 ORDER - 1